

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DYSON TECHNOLOGY LIMITED
and DYSON, INC.,

Plaintiffs,

v.

MAYTAG CORPORATION,

Defendant.

C.A. No. 05-434-GMS

**PLAINTIFFS' MOTION TO STRIKE THOSE PORTIONS OF THE
FOLLOWING PAPERS FILED IN VIOLATION OF LOCAL RULE
7.1.3(C)(2): (1) MAYTAG CORPORATION'S REPLY BRIEF IN SUPPORT
OF ITS MOTION FOR LEAVE TO FILE A SECOND AMENDED ANSWER,
AFFIRMATIVE DEFENSES AND SUPPLEMENTAL COUNTERCLAIMS
(D.I. 196); (2) MAYTAG CORPORATION'S AFFIDAVIT OF JOSH
GOLDBERG IN SUPPORT OF MAYTAG'S MOTION FOR LEAVE TO FILE
A SECOND AMENDED ANSWER, AFFIRMATIVE DEFENSES AND
SUPPLEMENTAL COUNTERCLAIMS AND ACCOMPANYING EXHIBITS
(D.I. 197); (3) MAYTAG CORPORATION'S REPLY BRIEF IN SUPPORT OF
ITS MOTION FOR ENTRY OF A TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION REGARDING IMPROPER ASSET
TRANSFERS (D.I. 203), AND (4) MAYTAG CORPORATION'S AFFIDAVIT
OF JOSH GOLDBERG IN SUPPORT OF ITS MOTION FOR ENTRY OF A
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION
REGARDING IMPROPER ASSET TRANSFERS (D.I. 204)**

Plaintiffs and counterclaim defendants Dyson Technology Limited and Dyson, Inc.
(collectively, "Dyson") hereby move for an Order striking those portions identified in the
attached order of the following papers filed by defendant and counterclaim-plaintiff Maytag
Corporation: (1) Reply Brief in Support of Motion for Leave to File a Second Amended
Answer, Affirmative Defenses and Supplemental Counterclaims (D.I. 196); (2) Affidavit of Josh
Goldberg in Support of Motion for Leave to File a Second Amended Answer, Affirmative
Defenses and Supplemental Counterclaims and accompanying exhibits (D.I. 197); (3) Reply

Brief in Support of Motion for Entry of a Temporary Restraining Order and Preliminary Injunction Regarding Improper Asset Transfers (D.I. 203); and (4) Affidavit of Josh Goldberg in Support of Maytag's Motion for Entry of a Temporary Restraining Order and Preliminary Injunction Regarding Improper Asset Transfers and accompanying exhibits (D.I. 204).

Dyson has filed this motion because Maytag unfairly reserved for its reply brief factual and legal arguments that should have been included in a full and fair opening brief in violation of District of Delaware Local Rule 7.1.3(c)(2). The complete bases of this motion are set forth in Dyson's opening brief filed in support of this motion.

YOUNG CONAWAY STARGATT
& TAYLOR, LLP

C. Barr Flinn by Andrew A. Indjer (No. 4429)

C. Barr Flinn (No. 4092)
John W. Shaw (No. 3362)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, Delaware 19801
(302) 571-6600
bflinn@ycst.com

OF COUNSEL:

Garrard R. Beeney
Richard C. Pepperman, II
James T. Williams
Keith McKenna
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, New York 10004
(212) 558-4000

Steven F. Reich
Jeffrey S. Edelstein
Tamar Feder
Christopher A. Cole
MANATT, PHELPS & PHILLIPS, LLP
7 Times Square
New York, New York 10036
(212) 790-4500

*Attorneys for Dyson, Inc. and
Dyson Technology Limited*

Dated: December 27, 2006

CERTIFICATE OF SERVICE

I, Andrew A. Lundgren, hereby certify that on December 27, 2006, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

Francis DiGiovanni, Esquire
James D. Heisman, Esquire
CONNOLLY BOVE LODGE & HUTZ LLP
The Nemours Building – 8th Floor
1007 N. Orange Street
Wilmington, Delaware 19801

I further certify that on December 27, 2006, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following in the manner indicated:

BY E-MAIL AND FEDERAL EXPRESS

Ray L. Weber, Esquire
Laura J. Gentilcore, Esquire
RENNER, KENNER, GREIVE, BOBAK,
TAYLOR & WEBER
400 First National Tower
Akron, OH 44308

Kimball R. Anderson, Esquire
Stephen P. Durchslag, Esquire
WINSTON & STRAWN LLP
35 W. Wacker Drive
Chicago, IL 60601-9703

YOUNG CONAWAY STARGATT & TAYLOR, LLP



C. Barr Flinn (No. 4092)
John W. Shaw (No. 3362)
Adam W. Poff (No. 3990)
Andrew A. Lundgren (No. 4429)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, Delaware 19801
(302) 571-6600
alundgren@ycst.com

*Attorneys for Dyson Technology Limited
and Dyson, Inc.*